

Fill in this information to identify your case:

United States Bankruptcy Court for the:

MIDDLE DISTRICT OF PENNSYLVANIA

Case number (if known) Chapter 7

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Marx Sheet Metal & Mechanical, Inc.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 23-2135368

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

373 High Street  
Wilkes Barre, PA 18702

Number, Street, City, State & ZIP Code

Luzerne  
County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) www.marxhvac.com

6. Type of debtor ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify:

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.  
\_\_\_\_\_

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

☒ Chapter 7

☐ Chapter 9

☐ Chapter 11. Check **all** that apply:

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No.

☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☒ No ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

11. Why is the case filed in this district? Check all that apply:
- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention? (Check all that apply.)**
- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_
- Where is the property?** \_\_\_\_\_  
Number, Street, City, State & ZIP Code \_\_\_\_\_
- Is the property insured?**
- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

#### Statistical and administrative information

13. Debtor's estimation of available funds Check one:
- ☐ Funds will be available for distribution to unsecured creditors.
- ☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> 1-49               | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99              | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199            | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input checked="" type="checkbox"/> 200-999 |  |  |

15. Estimated Assets
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million    | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000      | <input type="checkbox"/> \$10,000,001 - \$50 million   | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000     | <input type="checkbox"/> \$50,000,001 - \$100 million  | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million   | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion          |

16. Estimated liabilities
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
|---|---|--|

Debtor

Marx Sheet Metal & Mechanical, Inc.

Name

Case number (if known)

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **April 16, 2023**  
MM / DD / YYYY

**X /s/ Joseph Marx**  
Signature of authorized representative of debtor  
  
Title **President**

**Joseph Marx**  
Printed name

**18. Signature of attorney**

**X /s/ Harry J. Giacometti**  
Signature of attorney for debtor

Date **April 16, 2023**  
MM / DD / YYYY

**Harry J. Giacometti 55861**  
Printed name

**Flaster/Greenberg, P.C.**  
Firm name

**1717 Arch Street  
Suite 3300  
Philadelphia, PA 19103**  
Number, Street, City, State & ZIP Code

Contact phone **(215) 279-9393** Email address **harry.giacometti@flastergreenberg.com**

**55861 PA**  
Bar number and State

**UNANIMOUS WRITTEN CONSENT OF THE SHAREHOLDERS  
AND DIRECTORS OF MARX SHEET METAL & MECHANICAL, INC.  
IN LIEU OF SPECIAL MEETING**

The undersigned, being all of the shareholders (the "Shareholders") and all of the Directors (the "Directors") of Marx Sheet Metal & Mechanical, Inc. (the "Company"), a Pennsylvania corporation, acting by unanimous written consent in lieu of a formal meeting, do hereby adopt, approve and authorize the following actions:

RESOLVED, that the Directors have determined that it is desirable and in the best interests of the Company and other parties in interest that a petition be filed with the United States Bankruptcy Court for the Middle District of Pennsylvania (the "**Bankruptcy Court**") by the Company seeking relief under the provisions of Chapter 7 of Title 11 of the United States Code (the "**Bankruptcy Code**"); and be it further

~~RESOLVED, that Joseph Marx (the "Authorized Person") be, and hereby is, authorized,~~  
empowered, and directed, with full power of delegation, to negotiate, execute, deliver, and file  
~~with the Bankruptcy Court, in the name and on behalf of the Company all plans, petitions,~~  
~~schedules, statements, motions, lists, applications, pleadings, papers, affidavits, declarations,~~  
orders and other documents (collectively, the "**Chapter 7 Filings**") (with such changes therein  
and additions thereto as any such Authorized Person may deem necessary, appropriate or  
advisable, the execution and delivery of any of the Chapter 7 Filings by any such Authorized  
Person with any changes thereto to be conclusive evidence that any such Authorized Person  
deemed such changes to meet such standard); and be it further

RESOLVED, that the Authorized Person is, authorized, empowered, and directed, with  
full power of delegation, in the name and on behalf of the Company, to take and perform any and  
all further acts and deeds that such Authorized Person deems necessary, appropriate, or desirable  
in connection with the Company's chapter 7 case (the "**Chapter 7 Case**"), including, without  
limitation, (i) the payment of fees, consent payments, indemnities, taxes and other expenses such  
Authorized Person deems necessary, appropriate, or desirable, and (ii) negotiating, executing,  
delivering, performing and filing any and all additional documents, schedules, statements, lists,  
papers, agreements, certificates and/or instruments (or any amendments or modifications thereto)  
in connection with, or in furtherance of, the Chapter 7 Case; and be it further

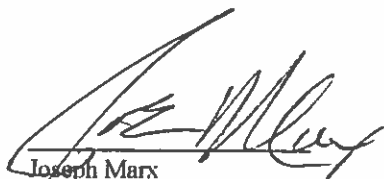
RESOLVED, that the law firm of Flaster/Greenberg P.C. is hereby retained and employed  
as attorneys for the Company in the Chapter 7 Case; and be it further

RESOLVED, that the Authorized Person is, authorized, empowered, and directed, with  
full power of delegation, in the name and on behalf of the Company, to take and perform any and  
all further acts or deeds, including, but not limited to, (1) the negotiation of such additional  
agreements, amendments, modifications, supplements, reports, documents, instruments,  
applications, notes or certificates not now known but which may be required, (ii) the execution,  
delivery and filing (if applicable) of any of the foregoing, and (iii) the payment of all fees,  
consent payments, indemnities, taxes and other expenses as the Authorized Person, in his or her  
sole discretion, may approve or deem necessary, appropriate or desirable in order to carry out the  
intent and accomplish the purposes of the foregoing resolutions and the transactions  
contemplated thereby, all of such actions, executions, deliveries, filings and payments to be  
conclusive evidence of such approval or that such Authorized Person deemed the same to meet  
such standard; and be it further

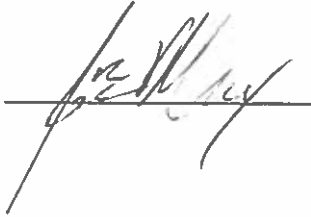
RESOLVED, that any and all past actions heretofore taken by the Authorized Person, any  
officer or any Director of the Company in the name and on behalf of such Company in  
furtherance of any or all of the preceding resolutions be, and the same hereby are, ratified,  
confirmed, and approved in all respects.

WITNESS:

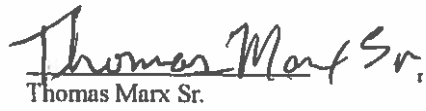


  
Joseph Marx

WITNESS:

A handwritten signature in black ink, appearing to be "J. Kelly", written over a horizontal line.

2

A handwritten signature in black ink, "Thomas Marx Sr.", written over a horizontal line.  
Thomas Marx Sr.

**United States Bankruptcy Court  
Middle District of Pennsylvania**

In re **Marx Sheet Metal & Mechanical, Inc.**

Debtor(s)

Case No. \_\_\_\_\_

Chapter **7**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Marx Sheet Metal & Mechanical, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

**Joseph Marx**  
**24 Clifton Ct**  
**Hanover Twp, PA 18707**

**Thomas Marx Sr.**  
**14 Birch Street**  
**Wilkes Barre, PA 18705**

☐ None [*Check if applicable*]

**April 16, 2023**

Date

**/s/ Harry J. Giacometti**

**Harry J. Giacometti 55861**

Signature of Attorney or Litigant

Counsel for **Marx Sheet Metal & Mechanical, Inc.**

**Flaster/Greenberg, P.C.**

**1717 Arch Street**

**Suite 3300**

**Philadelphia, PA 19103**

**(215) 279-9393**

**harry.giacometti@flastergreenberg.com**